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Attorneys for Plaintiff
Ecological Rights Foundation

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

ECOLOGICAL RIGHTS FOUNDATION, a

non-profit corporation,

Plaintiff

vs.

THE CITY OF PACIFIC GROVE,

Defendant

CASE NO. C03-2612 PVT

STIPULATION AND ~~PROPOSED~~
ORDER ENTERING AMENDMENT
TO THE CONSENT DECREE

Location: Courtroom 5
280 South First Street
San Jose, California

1 WHEREAS, the Court entered a Consent Decree ("the Consent Decree") in this action on
2 June 2, 2004 duly agreed to by plaintiff Ecological Rights Foundation ("ERF") and defendant
3 City of Pacific Grove ("the City");

4 WHEREAS, the parties have executed an Amendment to the Consent Decree, stipulated
5 to the entry of the same, and are requesting the Court to enter the Amendment to the Consent
6 Decree as fair, reasonable and in the public interest;

7 WHEREAS, pursuant to the requirements of 40 C.F.R. § 135.5, on April 14, 2006, the
8 parties sent a copy of this Amendment to the Consent Decree to the United States Department of
9 Justice and the United States Environmental Protection Agency via certified mail;

10 WHEREAS, more than 45 days has elapsed since the United States Department of Justice
11 and the United States Environmental Protection Agency received copies of the Amendment to
12 the Consent Decree and neither agency has commented adversely upon entry of the Amendment
13 to the Consent Decree;


14 NOW, THEREFORE, without adjudication of any issue of fact or law, except as
15 specifically provided herein, and upon the consent and agreement of the parties to this Consent
16 Decree by their authorized officials,

17 IT IS ADJUDGED, ORDERED AND DECREED THAT the Amendment to the Consent
18 Decree previously lodged with the Court and attached hereto is hereby entered as the Judgment
19 of the Court.

20
21 It is so Stipulated:

22 For Plaintiff Ecological Rights Foundation:

23 Dated: July 5, 2006

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Christopher Sproul, Counsel for
Ecological Rights Foundation

1 For Defendant City of Pacific Grove:
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3 Dated: July 6, 2006
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Heidi Quinn
Heidi Quinn
De Lay & Laredo
Counsel for City of Pacific Grove
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7 Pursuant to the stipulation of the Parties, IT IS SO ORDERED.
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9 Dated: July 18, 2006
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Patricia V. Trumbull
Patricia V. Trumbull
United States District Court
Magistrate Judge
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